

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

NEVADA CITY SCHOOL DISTRICT.

OAH CASE NO. 2010070617

ORDER GRANTING REQUEST FOR
CONTINUANCE AND SETTING
PREHEARING CONFERENCE AND
DUE PROCESS HEARING

On December 30, 2010, the Nevada City School District filed a request to continue the due process hearing dates in this matter on the grounds of unavailability of counsel. On January 4, 2011, the Office of Administrative Hearings (OAH) received a statement of non-opposition from Student.

A due process hearing must be conducted and a decision rendered within 45 days of receipt of the due process notice unless an extension is granted. (34 C.F.R. § 300.515(a); Ed. Code, §§ 56502, subd. (f), 56505, subd. (f)(3).) Speedy resolution of the due process hearing is mandated by law and continuance of the hearing may be granted only upon a showing of good cause. (Ed. Code, § 56505, subd. (f)(3).) In ruling upon a motion for continuance, OAH is guided by the provisions found within the Administrative Procedure Act and the California Rules of Court that concern motions to continue. (Cal. Code Regs., tit. 1, § 1020; Cal. Rules of Court, rule 3.1332.) Generally, continuances of matters are disfavored. (Cal. Rules of Court, rule 3.1332(c).)

OAH has reviewed the request for good cause and the request is:

☒ Granted. All dates are vacated. This matter will be set as follows:

Prehearing Conference:	February 2, 2011, at 1:30 PM
Due Process Hearing:	February 7 – 10, 2011, beginning at 1:30 PM on February 7, 2011

IT IS SO ORDERED.

Dated: January 04, 2011

/s/

BOB VARMA
Administrative Law Judge
Office of Administrative Hearings